IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

Crl.Rev.Pet.No. 1516 of 2007()

AGAINST THE ORDER IN CRMP.2020/2007 IN
CC.158/1994 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOCHI

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REVN. PETITIONER: PETITIONER/ACCUSED

MR.THOMASLY,
PROPRIETOR, EDAPPALLY EMPORIUM,
EDAPPALLY COMPLEX, TANA P.O.,
IRINJALAKKUDA- 680 121.

BY ADV. SRI.S.RAJEEV

RESPONDENTS: RESPONDENT/STATE & COMPLAINANT

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1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

2. KALYANI SHARP INDIA LIMITED,
AMAL COMPLEX, C.P.UMMER ROAD,
COCHIN- 682 035, BY ITS DULY AUTHORIZED
SIGNATORY MR.ASHOK.P.

BY ADV. SRI.P.T.SEBASTIAN
SRI.K.M.SUBIAR
PUBLIC PROSECUTOR SRI.K.S.SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 26/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Crl.R.P. No. 1516 OF 2007 D

Dated this the 26th day of June, 2007

O R D E R

Heard both sides.

2. The revision petitioner is the accused in C.C.No.158/2004 on the file of JFCM-II, Kochi for an offence punishable under section 138 of the Negotiable Instruments Act, 1881 involving a cheque for a sum of Rs.14,47,417/-. Admittedly, the case has reached the fag end of the trial. According to the petitioner, a civil suit involving the very same cheque and filed as O.S.No.296/2004 on the file of the Sub Court, Irinjalakuda, is nearing completion. The petitioner seeks a direction to the Magistrate to adjourn the criminal case for at least two months so that the petitioner can produce the judgment of the civil court before the Magistrate. This is hardly a ground for adjourning the trial of a criminal case which has reached the fag end. The pendency of civil litigation involving the very same cheque is not even a ground for stay of the proceedings before either of the two courts. This is a case which was initiated in the year 2004 and in

the normal course should have been over within a couple of months. I am not inclined to give a direction for adjournment as prayed for by the petitioner.

This revision is accordingly dismissed.

Communicate a copy of this order to the Magistrate forthwith.

(V. RAMKUMAR, JUDGE)

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